IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4317 of 2006()

CRA.82/1998 of THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE, (ADHOC) FAST TRACK COURT-II, PATHANAMTHITTA.
CC.59/1997 of CHIEF JUDICIAL MAGISTRATE'S COURT, PATHANAMTHITTA
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REVN. PETITIONER /APPELLANT/ACCUSED:

K. REMESH, AGED 37 YEARS,
RADHAS TEXTILES, M.C. ROAD,
CHENGANNUR.

BY ADV. SRI.S.SHANAVAS KHAN
ADV. SMT.S.INDU

RESPONDENTS/RESPONDETNS /COMPLAINANT & STATE:
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1. RAJESH KUMAR METHA,
METHA ENTERPRISES,
PATHANAMTHITTA.

2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR ADV.SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P.No. 4317 OF 2006

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Dated this the 5th December , 2006

O R D E R

The revision petitioner was found guilty of the offence under section 138 of the Negotiable Instruments Act. He was sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs. 15,000/- and in default of payment of compensation to undergo simple imprisonment for a period of three months. On appeal by the petitioner, the appellate court confirmed the conviction and sentence.

2. An application under section 147 of the Negotiable Instruments Act for compounding the offence was filed and that application was allowed.

Accordingly, the Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12175 OF 2006

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Dated this the 5th December , 2006

O R D E R

This is an application to condone the delay of 978 days in filing the revision petition. The revision is filed challenging the conviction and sentence imposed on the petitioner for the offence under section 138 of the Negotiable Instruments Act . An application for compounding is also filed by the parties. In view of the fact that the matter is settled between the parties, I am inclined to allow this application. Delay is condoned.

Number the Crl. Revision Petition as well as the application for compounding.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12497 OF 2006
IN CRL. R.P.No. 4317 OF 2006

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Dated this the 5th December , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the revision petitioner/accused and the first respondent/complainant as well as their counsel. It is stated therein that the dispute between the parties has been settled and the complainant is not interested in prosecuting the case. It is also prayed that the conviction and sentence imposed on the petitioner may be set aside. The application is allowed.

K.T. SANKARAN,
JUDGE.

lk